

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Adilabad District – Appeal Petition filed by Sri Ch.Venkataramana S/o Nemaji, R/o H.No.1-1-114/102, Ravindra Nagar, Adilabad (Urban), Adilabad District against orders of the Collector & District Magistrate, Adilabad in Procs.No.C3/159/2003, dt.31.05.2014 cancelling his “ST Lingadhari Koya” Community Certificate – Appeal Dismissed and upholding orders of the Collector & District Magistrate, Adilabad – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 65

**Dated: 16-09-2021,
Read the following:-**

1. Procs.No.C3/159/2003, dt.31.05.2014 of the Collector & District Magistrate, Adilabad.
2. Note received from Hon'ble Minister for Forest & Environment, Government of Telangana No.59/M (F&E)/2014, dt. 24.07.2014 along with the Appeal Petition of Sri Ch.Venkataramana S/o Nemaji R/o H.No.1-1- 114/102, Ravindra Nagar, Adilabad (Urban).
3. Hon'ble High Court orders dated 04.07.2014 in W.P.No.18392 of 2014 filed by Sri Ch.Venkata Ramana.
4. Govt. Memo.No.915/TW.GCC.A/2014-1, dated 2.8.2014 and 16.08.2014.
5. From the Collector & District Magistrate, Adilabad, Letter RC No.C3/159/2003, dated 27.08.2014.
6. Govt.Memo No.915/LTR.A2/2014, dated:6.2.2015.
7. Govt. Memo No.915/LTR.A2/2014, dated:05.08.2015 & 14.09.2015.
8. From the District Collector, Adilabad Dist. Ir.No.C3/159/2003, dated: 29.06.2015.
9. Representation of Sri Ch.Venkata ramana S/o Nemaji, Ravindra Nagar, Adilabad, dt. 03.12.2015.
10. Govt.Lr.No.915/LTR.A2/2014, dated:27.01.2016.
11. Govt.Lr.No.915/LTR.A2/2014, dated:30.04.2016 & 26.07.2016.
12. LR.Rc.No.505/2016/tri/TSV-7, dated 06.5.2016, received from CTW, TS Hyderabad.
13. The Affidavit along with stay petition filed by Sri Ch.Venkata Ramana through his counsel Sri N.Rajeshwar Rao. Dt.07.05.2016.
14. Govt. Lr. No.915/LTR.A2/2014, dated 27.10.2016.
15. Representation of Sri Ch.Venkataramana S/o Nemaji, Ravindra Nagar, Adilabad, dt. 10.1.2017.
16. Govt. Memo No.915/LTR.A2/2014, dated 16.2.2019.
17. Govt.memo.no.915/TW.LTR.A2/2014, dated 16.02.2019 & 27.11.2020
18. Letter received from the Project Officer, ITDA, Uttoor, Adilabad District Lr.Rc.No.D5/309/2018, dated:28.02.2020.
19. Representation of Sri Ch.Venkata Ramana, Dt.15.09.2020
20. Representation of Sri Ch.Venkata Ramana, Dt. 16.11.2020, along with Endorsement of Hon'ble M (STW),Dt.21.11.2020.
21. Govt.Notice.No.915/TW.LTR/2014,dated.28.11.2020.
- 22.Govt.Notice.No.915/TW.LTR/2014, dated.16.12.2020.

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ORDER:

In the reference 1st read above, The Collector & District Magistrate, Adilabad had issued orders cancelling the “Lingadhari Koya” Certificate issued to Sri Ch.Venkataramana S/o Nemaji R/o Adilabad by Revenue Divisonal Officer, Adilabad vide No.G/1107/92, dt.12.08.1992 and Tahsildar, Adilabad vide No.D/1221/89-90, dt.14.05.1989-90 and D/9260/2001, dt... are not genuine and also issued Notification

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in Rc.No.C3/159/2003, dt.31.05.2014 under Rule 9 (7) of AP (SCs/ST and BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 (as communicated in GO Ms.No.58, SW (J) Dept. dt.12.05.1997 read with 5 (1) of AP SCs, ST and BCs Regulation of Issue of Community Certificate Act 16/93, that the Lingadhari Koya Certificate issued to Sri Ch.Venkataramana S/o Nemaji R/o Adilabad by the Revenue Divisional Officer, Adilabad vide No.G/1107/92, dt.12.08.1992 and the Tahsildar, Adilabad vide No.D/1221/89-90, dt.14.05.1989-90 and D/9260/2001, dt., is hereby cancelled declaring that the individual does not belong to Lingadhari Koya caste – gist of which is as follows:

- Commissioner of Tribal Welfare, AP, Hyderabad vide Lr.No.10506/2001/TRI/VC-7, dt.02.01.2003 has informed that the Commissioner of Sericulture, AP, Hyderabad has requested to conduct enquiries into the Scheduled Tribe status of (9) candidates provisionally selected for the posts of Asst. Sericulture Inspector of which reports in respect of (8) candidates were furnished to Commissioner of Sericulture.
- Regarding 9th candidate Sri Challuri Venkataramana S/o Nemaji R/o Lingadhari Gudem H/o Ankusam (vg) of Bellampally Mandal, Adilabad District – he claimed as belongs to Lingadhari Koya Scheduled Tribe, attended their office and furnished information about his community claim. He produced community certificate issued by the RDO Adilabad that he belongs to Lingadhari Koya Scheduled Tribe. After careful examination and enquiries conducted, it was decided to place the matter before the DLSC.
- On receipt of the reference from the Commissioner of Tribal Welfare, AP, Hyderabad, the DLSC had taken up the case and (17) hearings were conducted from 28.02.2004 to 23.01.2010.
- Meanwhile, Sri Challuri Venkataramana had approached the Hon'ble APAT and filed OA No.6439/2013 which was disposed on 28.08.2013 with directions to finalized his claim for consideration of his promotion as Asst Director in Agriculture Department within (4) weeks.
- The Director, TCR&TI, AP Hyderabad had requested to take final decision on the ST status claim of the above candidate by taking into consideration of the enquiry report submitted vide their office Lr.No.10506/2001/TRI/VC-7, dt.02.01.2003 which was sent to this office on 12.09.2013.
- When the DLSC met on 08.11.2013, the candidate had submitted copies of the following documents:
 - Caste certificate of Sri Ch. Nemaji S/o Mukundu R/o Mukundu R/o Adilabad Town.
 - Caste certificate of Smt. Tara Bai W/o Nemaji R/o Adilabad Town.
 - Caste certificate of Sri Venkataramana S/o Nemaji R/o Adilabad Town.
 - Transfer certificate of Sri Venkataramana S/o Nemaji of Intermediate.
 - Transfer certificate of Sri Venkataramana S/o Nemaji of Acharya N.G. Ranga Agricultural University, Hyderabad.
- Director, TCR&TI, AP, Hyderabad had sent copy of enquiry report conducted by TCR&TI on the ST social status of Sri Challuri Venkataramana – precis is:

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- He is the son of Sri Challuri Mukundu and Smt.Nagavava, natives of Lingadharigudem H/o Ankusam village of Bellampally Mandal, Adilabad District.
- Produced Community certificates issued by RDO Adilabad vide Lr.No.G/1107/92, dt.12.08.1992 as belonging to Lingadhari Koya ST.

1. Challuri Hanmaiah
2. Challuri Ramoji
3. Challuri Tukaram
4. Challuri Hiranman
5. Challuri Nemaji and
6. Challuri Shantamma

- All the brothers and sisters of Challuri Nemaji were married to persons belonging to Lingadhari Koya community of Ankusam village, Bellampally Mandal of Adilabad District.
- Challuri Nemaji married Smt.Tarabai D/o Chunarkar Hanumanthu, native of Lingadharigudem H/o Ankusam village – she belongs to Lingadhari Koya community. They got following children:

1. Challuri Venkataramana
2. Challuri Kameswara Rao
3. Challuri Suchitra
4. Challuri Sai Prasanna

- They got relationship with the surnames of Lingadhari Koya community viz., 1) Chanda 2) Jadi 3) Akkepally 4) Munjam 5) Mannar 6) Chunarka 7) Telise 8) Gollepally etc.
- Their traditional occupation is priests in Temple and they also make medicines.
- They worship Lord Shiva and their household deity is Jangubai.
- They belong to Nandeswara clan and other clans of their community are Nrusa and Vyasa.
- They do not consume any kind of meat and are purely vegetarians.
- The above information was carefully examined and it did not tally with the information on Lingadhari Koya ST, hence detailed enquiries were made at their native place and other connected places.
 - As per statement of Ankusam villagers – there are 28 families belonging to Lingadhari Koya community living in their village. Surname of their community are Chanda, Chunarkar, Challuri, Munjam, Telise, Gollapally, Jadi, Munkari, Rathnam and Durgam. Nandikeswara and Skanda are clans in their community. Traditionally men and women wear a “Linga” invariably and worship Lord Shiva; they are pure vegetarians. They got relations with the villagers of Bheempur and Utnoor of Adilabad District and do not have any relationship whatsoever with Koya Scheduled Tribe. Their village elders perform marriages and they marry Lingadhari community people only. Their mother tongue is Marathi but speak Telugu also. They bury body of the person in the courtyard of respective house.

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- As per Admission and withdrawals of Primary School, Lingadhariguda H/o Ankusam village, following students were recorded as belonging to Scheduled Tribe and later on changed to Scheduled Caste Mala as per the proceedings of Mandal Revenue Officer.

1. Shanker S/o Vasu	LingadhariKoya
2. Kamaleswar S/o Papaiah	(ST) SC
3. Chanda Karunakar S/o Kondaiah	(ST) SC
4. Chanda Yekamber S/o Gangaram	S.T.
5. ChunarkarGaneswar S/o Mallaiah	S.T.
6. Nagabhushanama S/o Bheemalingu	S.T.
7. Chunarkar Prasad S/o Mukundam	(ST) SC
8. Shankar S/o Kondaiah	(ST) SC
9. DurgamMahaprabhu S/o Hemaji	(ST) SC
10.JadiParmeswar S/o Dhurgaiah	ST

- The Admission and Withdrawals details of ZPH School, Tandur were verified wherein community details mentioned against the following students studied from 1961 onwards – are as follows:

Sl. No. / Adm. No.	Name of the student and father's name	Community	Mother Tongue
174/406	Ch. Kamlakar S/o Lingaiah	Vyasya	Telugu
283	C. Kondaiah S/o Nukaji	Lingadhari	Marathi
285	C.Hanumaiah S/o Mukundu	Lingadhari	Marathi
326	Henvanthi durgam D/o. Hemaji	Lingadhari	Marathi
327	Sunkar Mothiram S/o Mallaiah	Lingadhari	Marathi
331	Ratham Eshwaraiah S/o Pochalu	Lingadhari	Marathi
332	Chanda Nejaiji S/o. Govindu	Lingadhari	Marathi
344	Challuri Mallaish S/oBuchaiah	Lingadhari	Marathi
353	Duragam Mothiram S/o Yellaiah	Lingadhari	Telugu
354	Durgam Chapurao S/oBhumaiah	Lingadhari	Telugu
355	Golpathiwar Ramdas S/o Vittal	Lingadhari	Telugu
366	Shivaram S/o Naaraiah	Lingadhari	Marathi
717210/446	Challuri Lahamji S/o Pochalu	Lingadhari	Marathi
4321	Mankari Krishnaveni D/o Mukundam	SC	Telugu
4403	Gollapalli Aravind Kumar S/o Ramdas	Lingadhari ST	Telugu
4405	G. Santhosh S/o Kondaiah	Lingadhari ST	Telugu
4406	G. Mohan S/o Kondaiah	Lingadhari ST	Telugu
840	Gollapally Ramdas S/o Vittal	Lingadhari	Marathi
886	Jadi Girmaji S/o. Mengu	Lingadhari	Marathi

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1096	Mankare Kamunadas S/o. Ranjalingu	Lingadhari	Marathi
	Ch. Buddaji Chnda S/o Ganga Rao	Lingadhari	Marathi
1098	Gollepalle Charandas S/o Pittu	Lingadhari	Marathi
1099	Gollepalli Ramdas S/o.Vittal	Lingadhari	Marathi
2000	Durgam Sangarao S/o Buraiah	Lingadhari	Marathi
2001	Durgam Vamanrao S/o Lingagaiah	Lingadhari	Marathi
2002	Jadi Purushotham Ram S/o Mengu	Lingadhari	Marathi
2003	Challuri Thunaji S/o Mukundu	Lingadhari	Marathi
2007	Chanda Sambaiah S/o Mukundu	Lingadhari	Marathi
2086	Munkari Mukundam S/o. Pittu	Lingadhari	Marathi
2101	Durgam Divakar S/o. Yellaiah	Lingadhari	Marathi
2102	Jadi Diwakar S/o Yellaiah	Lingadhari	Marathi
2164	Chanda Vemanna S/o Mallaiah	Lingadhari	Marathi
2259	Chelluri Thukkaram S/o Mukundu	Lingadhari	Marathi
2260	Jadi Thanaji S/o Mangu	Lingadhari	Marathi

- In the Transfer Certificates issued by the Headmaster, ZPSS Tandur, community of the following students was recorded as Lingadhari.
 1. G. Ramdas S/o Vital
 2. D. Waman Rao S/o. Linggaih
 3. D. Sanga rao S/o. Burainh
 4. Ch. Tanaji S/o. Mukund
 5. Vemanna S/o Mallaiah
 6. Chanda Jayaram S/o Rajalingu
- In respect of the following students, the caste column was kept blank in the Transfer Certificates issued by the Head Master, ZPSS Tandur.
 1. Ch.Nemaji S/o Mukundu
 2. Ch.Budhaji S/o Gangaram
 3. Chandana Vemanna S/o Mallaiah
 4. Chanker Haridas S/o Hanumaiah
 5. J.Diwakar S/o Rajalainhu
 6. Chailuri Mallaiah S/o. Rajalingu
 7. M Laxman S/o Buchaiah
- In respect of the following (2) students, their community was recorded as Backward class in the Transfer Certificates issued by the Head Master, ZPPSS, Tandur.
 1. Ch.Sambaiah S/o Rajalingu.....Lingadhari Koya (BC)
 2. G. Charandas S/o VittuLingadhari Koya (BC)

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- The Head Master ZPSS, Tandur in his letter addressed to the Commissioner of Tribal Welfare A.P. Hyderabad informed that the community of the students of Ankusam Village, Bellempally Mandal of Adilabad Districts who studied in ZPSS, Tandur was recorded as belonging to Lingadhari community and their mother tongue as Marathi upto 1998 and after 1998 they were recorded as belonging to Lingadhari Koya (ST) and some students with same surnames were recorded as belonging to SC and BCs as per Primary School records.
 - A copy of Multipurpose Household data was obtained from the Mandal Revenue Officer, Bellampally wherein the community of persons as belonging to Lingadhari caste was shown as it is, and the persons belonging to SCs and STs were recorded separately. Lingadharis were not shown as STs or SCs.
 - In view of the above unimpeachable documentary evidences adduced against Sri Challuri Venkatramana S/o Sri Challuri Nemaji, it is clear that he does not belong to Lingadhari Koya, sub tribe of Koya tribe but he belongs to Lingadhari community and the said Lingadhari community has no affinity with Lingadhari Koya Tribe which is a sub tribe of Koya tribe.
 - The documentary evidences reveal that the persons belonging to Lingadhari Community of Ankusam Village, Bellampally Mandal, Adilabad District are claiming themselves as STs, SCs and even BCs as per their will and wish to get the concessions and reservations meant for the above categories with the help of caste certificates obtained fraudulently though they belong to Lingadhari caste.
 - The Team verified the documentary evidences and has come to a conclusion that the information furnished by the candidate and his father about their Community do not tally with the traits of Koya Scheduled Tribe. The surnames and clans of their community with which they got relationship are also very uncommon among Koya Tribe and they are pure vegetarians, their mother tongue is Marathi and they do not have any affinity with Koya tribe.
 - The list of Scheduled Tribes issued under Constitution (Scheduled Tribes) Order, 1950 as amended from time to time under the Act of Parliament, Koya Tribe is listed as Scheduled Tribe along with its sub tribes at Sl.No.18 for the State of Andhra Pradesh. The entry at Sl.No.18 in the Part A.P. of the Second Schedule to the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 reads as follows.

"18. Koya, Goud, Rajah, RashaKoya, Lingadhari Koya
(Ordinary), KottuKoya, BhineKoya, Rajkoya".
 - It is clear from the above that Lingadhari Koya is not listed as Scheduled Tribes separately. Names listed at an entry in the list of Scheduled Tribes issued under 2nd Scheduled to the SCs and STs Orders (Amendment Act 1976) must be considered as the names of the Sub-tribes or synonymous groups of the Tribes first listed of the same entry. "Lingadhari Koya" is listed along with Koya tribe, therefore it is a sub-tribe of Koya Tribe.
 - Koya Tribe calls itself as "Koithur" in their dialect, in the District of Khammam and Warangal they are called "Dora Sattam" while they are called Koya Doras in East Godavari District. Koya tribe is divided into a number of sub-tribes on the basis of their traditional occupation and
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the places of their habitation; Lingadhari Koya is one of the sub tribe of Koya tribe. Each of the sub-tribes is divided into Phratribes viz., Mudava Gatta, Nalgava gatta, Arova gatta and Edova gatta, each of these gattas are divided into a number exogamous clans. Koya burry or cremate the dead. Koyas are mainly settled cultivators most important fair celebrated by Koya is the Sammakka Saralakka Jathara once in two years on Full Moon Day of the Magha Masam (Jan – Feb) at Medaram in Mulugu of Warangal District.

- In view of the enquiry, the team has come to the conclusion that Sri Challuri VenkataRamana S/o Nemaji cannot be considered as member of Lingadhari Koya Scheduled Tribe.
- On through verification of documentary evidences submitted by the candidate and as per the enquiry report of the CTW., A.P Hyderabad furnished vide Lr.No.10506/2001/TRI/TSV/VC-7, dated 15.10.2013, the DLSC has come to a conclusion that the Lingdhari Koya certificate issued to Sri Ch. Venkata Ramana S/o Nemaji R/o Adilabad by RDO., and MRO, Adilabad vide no. G/1107/92, dated 12.08.1992 and vide No.D/1221/89-90, dt.14.05.1989-90 and D/9260/200, dt..... are not genuine and recommended for cancellation.
- A show cause notice was issued to Sri Ch.Venkata Ramana S/o Nemaji R/o Adilabad and in compliance; he has submitted the following documents on 28.04.2014.

Sl.No.	Name of the document
1	SSC TC of Ch. VenkataRamana
2.	Intermediate TC of Ch. VenkataRamana
3.	B Sc Agriculture TC of Ch. VenkataRamana
4.	Caste certificate issued by Tahsildar Adilabad.
5.	Caste certificate issued by RDO Adilabad.
6.	Selection particulars of Asst. Inspector of Sericulture in dept.,of Sericulture through APPSC in 2001
7.	Selection order of the Post of Asst. Inspector of Sericulture by APPSC 2001.
8.	Resignation particulars of the post of Asst. Inspector of Sericulture in 2002.
9.	Proceedings of appoint of the post of Agriculture office in the dept. of Agriculture in 2002.
10.	Caste Certificate of Ch.Namaji issued by Tahsildar Asifabad.
11	Caste Certificate of Ch.Namaji issued by Tahsildar Adilabad
12.	Service certificate of Ch. Namaji prepared by Divisional Engineer Adilabad
13	Multipurpose Household Survey list of Municipality by Tahsildar Adilabad.

- On through verification of the above documents and as per the findings of Commissioner of TW, AP, Hyderabad, the Lingadhari Koya Certificate issued to Sri Ch.Venkata Ramana S/o Nemaji R/o Adilabad by Revenue Divisional Officer, Adilabad bearing No. G/1107/92, dt.12.08.1992 and Tahsildar, Adilabad bearing No.D1/1221/89-90, dt.14.05.1990 and D/9260/2001, dt... are not genuine and accordingly cancelled by the Collector & District Magistrate, Adilabad in Procs.No.C3/159/2003, dt.31.05.2014 exercising powers conferred

U/R 9 (7) of AP (SCs/ST and BCs) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 declaring that Ch. Venkata Ramana S/o Nemaji does not belong to Lingadhari Koya caste.

2. In the reference 2nd read above, aggrieved by the above orders of the Collector & District Magistrate, Adilabad, Sri Ch.Venkataramana S/o Nemaji R/o H.No.1-1-114/102, Ravindra Nagar, Adilabad (Urban) has submitted an Appeal before the Government on 25.7.2014 along with copy of the order of the Hon'ble High Court of AP Hyderabad in WP No.18392 of 2014, dt.04.07.2014. The following contentions have been made in the Appeal:

- i) He belongs to Lingadhari Koya ST community, native of Lingadhariguda H/o Ankusham village of Bellampally Mandal and residing at Adilabad – presently working as Agriculture Officer after recruited directly on 3.1.2003.
- ii) The Commissioner of Tribal Welfare, AP, Hyderabad issued Lr.Rc.No.10506/2001/TRI/VC-7 dated 2.1.2003 stating that he does not belong to Lingadhaeri Koya and as such not entitled for appointment under ST quota. When the said orders were challenged, the Hon'ble APAT in OA No.532 of 2003 in its order dated 22.11.2005 directed to take further action only after determination of the matter by the DLSC in pursuance of its notice dated 5.3.2005 with regard to his communal status.
- iii) In compliance to first memo vide memo No.B7/159/2003, dt.20.02.2004, he appeared before the Committee and submitted all relevant documents in the O/o Joint Collector, Adilabad and thereafter he was summoned on (17) other dates starting from 28.2.2004 to 23.01.2010.
- iv) The Joint Collector, Adilabad through letter No.B7/159/2003, ddt.20.02.2006 addressed the Commissioner (TW) AP Hyderabad to arrange field officers for re-enquiry into the matter regarding food habits, marriage practices, religions habits, community gatherings, social life etc. and also again reminded through letters dt.31.8.2012 and 22.11.2012 but no re-enquiry was done by the Commissioner of Tribal Welfare even as on date of issue of show cause notice to him by the Dist. Collector, Adilabad.
- v) The Dist. Collector, Adilabad also addressed the Commissioner, TW on 31.8.2012 requesting to conduct re-enquiry. In the meantime, RDO Adilabad was also asked to verify genuineness of ST social status. The RDO Adilabad in his letter No.E/131/2009, dt.17.8.2011 informed the Dist. Collector that the Hon'ble High Court in WP No.22511 of 2007 in its order dt.22.7.2009 directed to receive applications submitted by members of the Petitioner Association and to consider their case for grant of ST certificates in accordance with law, without placing reliance on the ethnographic report within a period of (3) months. Finally, the RDO, Adilabad has submitted that the Lingadhari Koya certificate issued to him is genuine one.
- vi) Only after service of Notice in contempt case No.603/2014, the Dist. Collector, Adilabad without going into merits issued proceeding No.C3/159/2003, dt.31.5.2014 illegally him that he does not belong to Lingadhari Koya.
- vii) The Government Pleader for Social Welfare, High Court of AP Hyderabad vide letter No. WP.22511/07/DSNVPB/SW, dt.15.10.2009 addressed a letter to Government intimating the writ petition filed by the President of

Adilabad District Lingadhari Koya Tribal Association headed by J. Diwakar, Utnoor, Adilabad district vide WP No.22511 of 2007 dt.22.07.2009 has been allowed directing the concerned to extend all benefits to Lingadhari Koya committee people and social status of Scheduled Tribe marking its copies to the Commissioner of Tribal Welfare, AP, Hyderabad and 190 other officers including Mandal Revenue Officer, Bellampally in which Mandal the village Ankusham is existing. A copy of the said order of WP No.22511 of 2007 dt.22.07.2009 filed along with and requested to consider his case. None of the officers in the writ petition preferred any Writ Appeal or any other matters; as such it is to be deemed that all respondents therein are bound by the order of the Hon'ble High Court.

- viii) Even after report of RDO Adilabad, his case was not considered for declaration of his probation and for further promotion as such he filed OA No.6439 of 2013 before Hon'ble APAT, Hyderabad and the Hon'ble APAT issued interim direction to consider his case for declaration of probation and further promotion within (4) weeks from the date of the order. Only after the said interim directions, the Dist. Collector, Adilabad, addressed a letter to the Commissioner of TW, AP Hyderabad and in turn the said office sent a copy of the report in Lr.No.10506/2001/TRI/VC-7, dt.2.1.2003 and requested the Dist. Collector to take action on the basis of the said report. Thereafter, show cause notice was issued to him directing to submit explanation on the preliminary decision of cancelling his caste certificate and he submitted explanation on 28.4.2014 (enclosing 212 pages of documents relating to his caste) also bringing to the notice of the District Collector about various persons who have been working in various departments in the State by obtaining Lingadhari Koya ST certificate issued by competent authorities. Without considering the same, the Dist. Collector, Adilabad issued impugned proceedings vide Procs.No.C3/159/2003, dt.31.5.2014 cancelling his caste certificate on the basis of the report of the Commissioner of Tribal Welfare, AP Hyderabad in Lr.Rc.No.10506/2001/TRI/VC-7, dt.2.1.2003.
- ix) It is very clear that the impugned proceedings have been issued basing on the report No.10506/2001/TRI/VC-7 dated 2.1.2003 of Commissioner of Tribal Welfare, AP, Hyderabad. Thereafter, the impugned notification issued by the District Collector, Adilabad vide Notification Rc.No.C3/159/2003, dated 31.5.2014 cancelling his caste certificate is illegal and injustice. It is not the case of the respondents that he does not belong to Lingadhari Koya community and also not the case of respondents that he belongs to some other community – there is no finding by the Dist. Collector regarding his case. From the perusal of impugned proceedings, it appears the persons belonging to Lingadhari Koya cannot be treated as Scheduled Tribes. According to the impugned proceedings Lingadhari Koyas are basically Saivates and they are vegetarians. That cannot be a ground to say that they do not belong to Scheduled Tribe community. Among Koyas they are in various professions like Black-smith, Carpenters, Priests. Therefore, the impugned proceedings are illegal, bad and arbitrary and against the provisions of Constitution of India.
- x) In these circumstances, he has approached the Hon'ble High Court of AP, Hyderabad and filed WP No.18392 of 2014 challenging the impugned proceedings issued by the Dist. Collector, Adilabad vide Procs.No.C3/159/2003, dated 31.5.2014 and consequential impugned Notification of the Dist. Collector, Adilabad vide Notification Rc.No.C3/159/2003 dated 31.5.2014, the Hon'ble High Court disposed
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the Writ Petition and granted orders on 4.7.2014 as follows:

"In the circumstances, the Writ Petition is disposed of permitting the petitioner to file an appeal before the first respondent along with an interim application within two weeks from today, and if such an appeal along with the interim application is preferred, the first respondent shall consider the same without raising any objection as to the limitation and pass appropriate orders at least on the interim application, within two weeks thereafter, and thereafter, appeal itself be disposed of expeditiously for a period of four weeks from today, the order impugned shall not be given effect to".

- xi) Therefore, requested to consider his appeal sympathetically and on merits by considering order of the Hon'ble High Court⁴ of AP Hyderabad in WP No.18392 of 2014, dated 4.7.2014 and other relevant documents including the Division Bench order of the Hon'ble High Court of AP, Hyderabad in WP No.22511 of 2007 dated 22.07.2019 and to restore his caste certificate issued by the competent authorities of Adilabad District and by setting aside proceedings of Dist. Collector, Adilabad No.C3/159/2003, dated 31.5.2014.

3. In the reference 4th read above, a copy of the Appeal and Hon'ble High Court order dated 04.07.2014 in WP.No. 18392 of 2014 filed by Ch.Venkata Ramana has been sent to the District Collector, Adilabad to furnish detailed report on the review of petition of the individual and also to depute a responsible person to Government Pleader's office together with records to take legal advice and to file Review Petition/Writ Appeal on the order of Hon'ble High Court to avoid further legal complications and furnish compliance report within one week.

4. In the reference 5th read above, in compliance to Govt. Memo. dt.2.8.2014, the Collector & District Magistrate, Adilabad has submitted detailed report to Government – summary of which is as follows:

- In compliance to the instructions of the Commissioner of TW vide Lr.No.10506/2001/TRI/VC-7, dated 02.01.2003, the case of Sri Ch. Venkataramana S/o Nemaji R/o Adilabad with regard to his Lingadhari Koya Caste Certificate was referred to the DLSC.
- DLSC conducted hearings from 28.02.2004 to 08.11.2013 and submitted findings.
- As per documentary evidences produced by the candidate and enquiry report received from the Commissioner (TW), Hyderabad Lr.No.10506/2001/TRI/VC-7, dt.02.01.2003, the Lingadhari Koya Caste certificate of Sri Ch. Venkataramana S/o Nemaji R/o Adilabad was cancelled vide Procs.No.C3/159/2003, dt.31.5.2014 of Dist. Collector, Adilabad.

5. In the reference 13th read above, the Appellant Sri Ch.Venkata Ramana has filed an Affidavit before the Government on 7.5.2016 along with stay petition U/s.7 (4) of the Act 16/1993 through the counsel Sri N.Rajeshwar Rao.

- The proceedings of District Collector, Adilabad under appeal are bad, illegal, biased and against the material documents placed before the DLSC and also against the principles of natural justice, hence the proceedings are liable to be set-aside.

- The procedure adopted by the DLSC totally violated the provisions of Section 8 and its all sub-sections and as per Section 8 (e) of the Act, the Chairman, Scrutiny Committee i.e. Joint Collector of the District shall send the recommendations of the committee to the competent authority stating clearly whether the community claimed by him is genuine or false with reasons thereof, within (45) days. But the DLSC received his case file on 20.1.2013 and kept with till 18.04.2014 illegally for 11 years 4 months and DLSC sent its recommendations on 22.5.2014 and the Respondent without verifying into the legality of the recommendations, illegally issued the proceedings against him under the appeal.

6. The Appeal with documents submitted by the Appellant and other documentary evidences available on record are examined with reference to and placing heavy reliance on the settled legal positions of the Hon'ble Apex Court.

7. It is found that the inhabitants of Bellampally and Tandur Mandals of Mancherial District (erstwhile Adilabad District) are claiming to belong to 'Lingadhari Koya' community. As there is no affinity with Lingadhari Koyas (Ordinary), the competent authorities were not issuing community certificates to claimants of Lingadhari Koya. The District Lingadhari Koya Tribal Association, represented by its President Mr. J. Divakar, Utnoor, Adilabad district had filed W.P.No.22511 of 2007 in the High Court of Judicature at Hyderabad seeking direction to quash the proceedings dated 19.4.2007 as the ethnographic report was prepared behind their back thereby denying them an opportunity of placing evidence, to the contrary, in support of their claim to be Lingadhari Koyas in Adilabad district. The Petitioner has prayed the Court that "the impugned proceedings dated 19.4.2007, which seeks to make a distinction between Lingadhari Koyas of Khammam and Warangal Districts and Lingadhari Koyas of Adilabad district, must, therefore, be and is, accordingly quashed. The respondents shall receive applications submitted by members of the Petitioner Association and others similarly situated and consider their case for grant of Scheduled Tribes certificates in accordance with law without placing reliance on the ethnographic report enclosed to the impugned order within a period of three months from the date of receipt of the applications. The Hon'ble High Court in its order dated 20.7.2009 has allowed the Writ Petition to the extent indicated herein above.

8. The Tribal Cultural Research and Training Institute, Hyderabad has conducted an ethnographic study on Lingadhari Koya community claimants' community inhabiting in Bellampally and Tandur Mandals for its veracity and submitted the detailed report that:

- Under Article 342 (1) of the Constitution of India, the President of India made the Constitution (Scheduled Tribes) Order, 1950. As per this order, only 9 Scheduled Tribes are notified in Hyderabad State. Telangana is a part of Hyderabad State. Koya (including Bhine Koya and Raj Koya) is listed as Scheduled Tribe at Sl.No.7. The sub-group – Lingadhari Koyas (Ordinary) is not found in the list. Thus it is not aboriginal tribe of Telangana State. Under Article 342 (2) of the Constitution of India; Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) of the Article 342 any tribe or tribal community or parts of or groups within any tribe or tribal community, but save as afore said a notification issued under the said clause shall not be varied by any subsequent notification. Subsequently due to formation of Andhra Pradesh State the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956 was issued, wherein the Koya or Goud with its sub-sects - Rajah or RashaKoyas, Lingadhari Koyas (ordinary), Kottu Koyas, Bhine Koyas and Raj Koya was listed at Sl. No.2.
 - The report reveals that the members of a tribal group share a common ethnicity and it is like a cultural stream which passes from generation to generation. If the
- (Contd...12)

ethnic traits are lost in the process of transformation it is possible that the group loses its identity. The tribal groups retain their ethnic identity and integrate themselves in the wider society. It is clear from the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956 that the Lingadhari Koya (Ordinary) is not listed separately as Scheduled Tribe, but notified as part of or group within Koya tribe. The Hon'ble Supreme Court of India in Dadaji alias Dina Vs Sukhdev Babu (AIR 1980 SC 150) held that "in certain entries only one community is mentioned and in certain others, two or more communities are mentioned. It is obvious that certain communities have been grouped together under a single entry in the light of Article 342 of the Constitution which requires parts or groups within a tribal community also to be specified in the order issued there under. It is therefore reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them. "Lingadhari Koya (Ordinary) is listed along with Koya tribe at S.No.2 in the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956 and at S.No.18 in the list of Scheduled Tribes in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 and the Sixth Schedule - Amendments to the Constitution (Scheduled Tribes) Order, 1950 in the A.P. Reorganization Act, 2014. In the list of Scheduled Tribes for the State of Telangana, Lingadhari Koya (Ordinary) is a part or group within Koya tribe and must have affinity with Koya tribe.

9. The ethnographic study conducted on LingadhariKoya claimants' community inhabiting Bellampalli and Tandur Mandal of Mancherial district reveals that the claimants' community has no affinity with Koya tribe or Lingadhari Koya (Ordinary) tribe.

- There are no phratries among Lingadhari Koya claimants' community whereas the Lingadhari Koya (Ordinary) community is divided into five phratries.
- Men and women wear Shiva Lingam in LingadhariKoya claimants' community, whereas only married men wear Shiva Lingam in Lingadhari Koya (ordinary) community who follows Shaivism.
- Mother tongue of Lingadhari Koya claimants' community is Marathi, whereas the Lingadhari Koyas (Ordinary) community is having its own dialect called Kui.
- The Lingadhari Koya claimants' community is pure vegetarian, whereas Lingadhari Koya (Ordinary) consumes meat, beef and pork and also drink toddy, liquor made of mohua flower except those who wear Shiva lingam.
- The marriage pattern of Lingadhari Koya claimants' community is different from that of Lingadhari Koya (Ordinary) tribe.
- The practice of levirate and sororate is in vogue in Lingadhari Koya (Ordinary) tribe, whereas it is absent in Lingadhari Koya claimants' community.
- The festivals celebrated by Lingadhari Koya claimants' community are different from that of Lingadhari Koya (ordinary) tribe.
- The deities worshipped by Lingadhari Koya claimants' community are different from that of LingadhariKoya (ordinary) tribe.
- The Lingadhari Koya claimants' community places the dead body in a sitting posture and bury, whereas the dead of unmarried Lingadhari Koya (Ordinary) is buried and the married is cremated.

- Lingadhari Koya community claimants observe foot marks on floor after death, whereas it is absent in Lingadhari Koya (Ordinary) tribe.
- The traditional council of Lingadhari Koya claimants' community is different from that of Lingadhari Koya (ordinary) tribe.

10. The Lingadhari Koya claimants' community of erstwhile Adilabad district has no affinity whatsoever with Koya tribe or Lingadhari Koya (Ordinary) tribe. Thus Lingadhari Koya claimants' community of erstwhile Adilabad district is not Lingadhari Koya (Ordinary) tribe.

11. In the references 11th, 21st read above, Government has called the case and instructed the Appellant Sri Ch.Venkata Ramana S/o Nemaji to appear before the Government for hearing on 7.5.2016, 30.7.2016, 7.12.2020 respectively in person or by a Pleader to defend the case along with relevant documentary evidences in support of the claim.

12. In the references 22nd read above, Government has called Appeal on 23.12.2020. Appellant present and submitted oral arguments corroborating with the contents of Appeal petition and other documents submitted by him previously, invoking orders of the Hon'ble High Court in invoking orders passed by the Hon'ble High Court of Judicature, Andhra Pradesh at Hyderabad in WP No.22511 of 2007, dated 20.7.2009. But he repeatedly submitted the same documents which were submitted in his Appeal petition. It is construed that he has no any additional information or documentary evidences to substantiate his claim as belonging to Lingadhari Koya tribe.

13. In the Constitution (Scheduled Tribes) Order, 1950 as amended from time to time, there is no entry as "Lingadhari Koya" in the lists of Scheduled Tribes for the State of Andhra Pradesh/Telangana, but "Lingadhari Koya (Ordinary)" is listed along with Koya tribe at S.No.2 in the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956 and at S.No.18 in the list of Scheduled Tribes in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 and the Sixth Schedule - Amendments to the Constitution (Scheduled Tribes) Order, 1950 in the A.P. Reorganization Act, 2014 which is a part or group within Koya tribe as defined under Art.342 of the Constitution of India.

14. The Hon'ble Apex Court in its judgment on 28 November, 2000 in case No. Appeal (civil) 2294 of 1986 in State of Maharashtra Vs Milind & Ors held that:

- It is not at all permissible to hold any enquiry or let in any evidence to decide or declare that any tribe or tribal community or part of or group within any tribe or tribal community is included in the general name even though it is not specifically mentioned in the concerned Entry in the Constitution (Scheduled Tribes) Order, 1950.

The Scheduled Tribes Order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order if they are not so specifically mentioned in it.

A notification issued under Clause (1) of Article 342, specifying Scheduled Tribes, can be amended only by law to be made by the Parliament. In other words, any tribe or tribal community or part of or group within any tribe can be included or excluded from the list of Scheduled Tribes issued under Clause (1) of Article 342 only by the Parliament by law and by no other authority.

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It is not open to State Governments or courts or tribunals or any other authority to modify, amend or alter the list of Scheduled Tribes specified in the notification issued under Clause (1) of Article 342.

15. The Hon'ble Supreme Court of India in Dadaji alias Dina Vs Sukhdev Babu (AIR 1980 SC 150) held that "in certain entries only one community is mentioned and in certain others, two or more communities are mentioned. It is obvious that certain communities have been grouped together under a single entry in the light of Article 342 of the Constitution which requires parts or groups within a tribal community also to be specified in the order issued there under. It is, therefore, reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them.

16. The Government has examined the Appeal petition filed by Sri Ch. Venkata Ramana S/o Nemaji in detail, with reference to the material evidence available on record and also with reference to the settled legal positions of the Hon'ble Apex Court. Sri Ch. VenkataRamana S/o Nemaji, Ravindra Nagar, Adilabad claiming as belonging to Lingadhari Koya does not have any affinity whatsoever with Koya tribe/Lingadhari Koya (Ordinary) tribe and Lingadhari Koya cannot be read as Lingadhari Koya (Ordinary).

17. Therefore, in the light of the above, Government do not find any valid reasons in the Appeal of Sri Ch.Venkata Ramana S/o Nemaji and accordingly Government after careful examination of the matter the Appeal of Sri Ch. Venkata Ramana S/o Nemaji, Ravindra Nagar, Adilabad is Dismissed upholding orders of the District Collector, Adilabad in Procs.Rc.No.C3/159/2003, dated 31.05.2014.

18. The District Collector, Adilabad is requested to take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Adilabad District (w.e) (By RPAD)
(with a request to serve order copy to the individual and to send dated Acknowledgement to Government.)
2. Ch.Venkataramana S/o Nemaji, R/o H.No.1-1-114/102,
Ravindra Nagar, Near Govt. Degree College, Adilabad,
Adilabad District -504001 (BY RPAD)

Copy to:

1. N. Rajeshwar Rao, Advocate, Flat No. G1, Devi Homes, Kompally, Hyderabad
(Counsel for Petitioner)
2. The P.S. to Minister for ST Welfare (for information).
3. The Commissioner of Tribal Welfare, TS, Hyderabad (for information)
4. The PS to Secretary to Govt. (TW)
5. The PS to Special Secretary to Govt. (TW)
6. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER